

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DONALD RAY LOGSDON, JR.,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 21-253-KHV
)	
UNITED STATES MARSHAL SERVICE, et al.,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

Donald Ray Logsdon, Jr. filed suit against officers of the United States Marshal Service for excessive force in connection with his arrest in March of 2020. This matter is before the Court on plaintiff's Motion For The Court To Supply Movant With Certain Court Paperwork That Relates To This Case (Doc. #36) filed February 9, 2022. For reasons stated below, the Court sustains plaintiff's motion as to his request for a copy of his picture but otherwise overrules his motion.

On March 3, 2022, the Court dismissed the United States Marshal Service as a defendant. See Order (Doc. #43). The deadline for the individual defendants to answer has not expired. See Fed. R. Civ. P. 12(a)(2)–(3) (officers or employees of United States sued in official or individual capacity must serve answer within 60 days of service of complaint). Plaintiff seeks a copy of his presentence investigation report from his related criminal case. Plaintiff asserts that the report includes pictures and statements which support his claim in this case. The report includes one picture of plaintiff and it appears to be relevant to his claim of excessive force. The Court therefore directs the United States Probation Office to provide plaintiff a copy of the picture on page two of his presentence investigation report. As to the remainder of the report, before

plaintiff's claim is further developed and defendants have responded and had an opportunity to assert defenses, the Court cannot determine whether the presentence writer's hearsay description of plaintiff's arrest is relevant. Because plaintiff only recently obtained service on the individual defendants, the Court overrules without prejudice his request for information in the presentence report other than his picture.

IT IS THEREFORE ORDERED that plaintiff's Motion For The Court To Supply Movant With Certain Court Paperwork That Relates To This Case (Doc. #36) filed February 9, 2022 is **SUSTAINED in part**. **The Court directs the United States Probation Office to send plaintiff a copy of the picture on page two of his presentence investigation report. The Court otherwise overrules plaintiff's motion. The Clerk is directed to forward a copy of this order to the United States Probation Office.**

Dated this 31st day of March, 2022 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge